



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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PLANNING DIVISION

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POOJA PHALTANKAR, (ALT.)

Case #: ZBA 2017-97
Site: 9 Wilton Street
Date of Decision: October 18, 2017
Decision: Petition Approved with Conditions
Date Filed with City Clerk: November 1, 2017

ZBA DECISION

Applicant Name: Tessa and Rami Bridge
Applicant Address: 148 Albion Street #1, Somerville, MA 02144
Property Owner Name: Tessa and Rami Bridge, LLC
Property Owner Address: 148 Albion Street #1, Somerville, MA 02144
Agent Name: N/A

Legal Notice: Applicant and Owner, Tessa and Rami Bridge, seeks a Special Permit under SZO §4.4.1 to alter a nonconforming structure within the required front, left, and right side yard setbacks by constructing side entry steps, a dormer, extending the deck and constructing new deck stairs, and opening the enclosed front porch.

Zoning District/Ward: RB zone/Ward 5
Zoning Approval Sought: §4.4.1
Date of Application: August 25, 2017
Date(s) of Public Hearing: October 18, 2017
Date of Decision: October 18, 2017
Vote: 5-0

Appeal #ZBA 2017-97 was opened before the Zoning Board of Appeals at Somerville City Hall on October 18, 2017. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After one hearing of deliberation, the Zoning Board of Appeals took a vote.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
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DESCRIPTION:

The proposal is to construct a new entry stair in the left side yard, construct a dormer within the right side yard, extend the deck and stairs within the right and left side yard, and renovate the front porch by opening up what is currently an enclosed porch and making the footprint smaller. The proposal also includes interior renovations and repairing/replacing the existing front entry stairs.

FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1):

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the SZO. This section of the report goes through §5.1.4 in detail.

1. Information Supplied:

The Board finds that the information provided by the Applicant conforms to the requirements of §5.1.2 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits.

2. Compliance with Standards: *The Applicant must comply "with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested special permit."*

The structure is currently nonconforming with respect to the following dimensional requirements: lot area, front, left, and right side yard setbacks, street frontage, and the number of parking spaces.

The proposal will impact the following nonconforming dimensions: front, left, and right yard setbacks.

Front: The front yard is 3 feet (the requirement is 15 feet) and will remain as such after the porch is opened up and its footprint is decreased.

Left: The left side yard is 6'-11" (the requirement is 8 feet for a two story structure in the RB zone); however, the existing entry stair projects 2'-1" further into the setback than allowed. The stairs are allowed to project up to one-quarter of the required setback, which means the stairs can be 6 feet from the side property line. The existing entry steps in the front are 3'-11" away from the property line and are considered nonconforming. This particular nonconformity is proposed to be extended by constructing a new side entry stair 3'-11" from the left property line and stairs leading to/from the rear deck 4'-5" from the left property line.

Right: The right side yard is 4 feet and the requirement is 8 feet for a two story structure in the RB zone. The proposal includes making an alteration within the required right side yard by constructing a dormer on the right of the house.

Right: The right side yard is 4 feet (the requirement is 8 feet for a two story structure in the RB zone); however, the existing deck projects 1'-10" further into the setback than allowed. The stairs are allowed to project up to one-quarter of the required setback, which means the stairs can be 6 feet from the side property line. The existing deck is 4'-2" away from the property line and is considered nonconforming. The proposal includes reconstructing the deck so that the deck and its stairs are 4'-6" from the property line and will become less nonconforming than the current deck.

These alterations to a nonconforming structure requires the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO).

Section 4.4.1 states that "[l]awfully existing one-and two-family dwellings which are only used as residences, which are nonconforming with respect to dimensional requirements, may be enlarged, extended, renovated or altered by special permit granted by the SPGA in accordance with the procedures of Article 5."



In considering a special permit under §4.4 of the SZO, the Board finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The proposal will enhance the aesthetics of the home by allowing for the renovation of the structure. The proposal has been designed with setbacks that minimally impact the neighbors and the requirements for lot area per dwelling unit, ground coverage, landscaped area, pervious area, and floor area ratio (FAR) will continue to be conforming to the requirements of the SZO.

3. Consistency with Purposes: *The Applicant has to ensure that the project "is consistent with (1) the general purposes of this Ordinance as set forth in Article 1, and (2) the purposes, provisions, and specific objectives applicable to the requested special permit which may be set forth elsewhere in this Ordinance, such as, but not limited to, those purposes at the beginning of the various Articles."*

The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to promote the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; to protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality.

The proposal is consistent with the purpose of the RB district, which is, "to establish and preserve medium density neighborhoods of one-, two- and three-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts."

4. Site and Area Compatibility: *The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the characteristics of the built and unbuilt surrounding area, including land uses."*

Surrounding Neighborhood: Wilton Street is a residential street just south of Magoun Square. Structures on Wilton Street range from one-story to two and one-half stories.

Impacts of Proposal (Design and Compatibility): The proposed changes will not impact the structure's relationship to the scale of the neighborhood. Opening the front porch will enhance the aesthetics of the dwelling and the streetscape. The proposed dormer is atypical as it will not be attached to the ridge. The dormer will have a wall height of three feet and visually appear to be an extension of the exterior wall.

6. Housing Impact: Will not create adverse impacts on the stock of existing affordable housing.

7. SomerVision Plan: The proposal will allow for upgrades to the property that will maintain the character of Wilton Street and the surrounding neighborhood.

DECISION:

Present and sitting were Members Orsola Susan Fontano, Pooja Phaltankar, Elaine Severino, Danielle Evans, Josh Safdie, and Anne Brockelman with Richard Rossetti absent. Upon making the above findings, Danielle Evans made a motion to approve the request for a Special Permit. Elaine Severino seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	Approval is for the extension of the dormer and finishing the basement. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.									
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>August 17, 2017</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>(September 14, 2017)</td> <td>Modified plans submitted to OSPCD (Plan of land, 0.1, 0.2, D1.1, D1.2, D2.1, A1.1, A1.2, and A2.1)</td> </tr> <tr> <td>September 29, 2017 (October 3, 2017)</td> <td>Proposed landscape plans</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	August 17, 2017	Initial application submitted to the City Clerk's Office	(September 14, 2017)	Modified plans submitted to OSPCD (Plan of land, 0.1, 0.2, D1.1, D1.2, D2.1, A1.1, A1.2, and A2.1)	September 29, 2017 (October 3, 2017)	Proposed landscape plans
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September 29, 2017 (October 3, 2017)	Proposed landscape plans											
Any changes to the approved elevations/use that are not <i>de minimis</i> must receive SPGA approval.												
Pre-Construction												
2	The proposed basement finished floor elevation shall not be less than is 1 foot above the Seasonal High Ground Water elevation. The seasonal high ground water elevation shall be determined by a Massachusetts certified soil evaluator and stated on a signed soil test pit log.	BP	Eng.									
Construction Impacts												
3	The applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.	During Construction	Plng.									
4	The Applicant shall at their expense replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard.	CO	DPW									
5	All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.	During Construction	T&P									
Design												



6	Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to the issuance of a building permit.	BP	Plng.	
Site				
7	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
8	The concrete in the front yard shall be removed and a landscaping bed shall be installed. The concrete within the right side yard shall also be removed (with the exception of a small pad in the rear for trash storage) and landscaped according to the plan.	CO	Plng.	
9	The brick front steps and retaining wall in the front yard shall be repointed.	CO	Plng.	
Miscellaneous				
10	Granting of the applied for use or alteration does not include the provision for short term rental uses, such as AirBnB, VRBO, or the like. Separate approvals are needed for the aforementioned uses.	Ongoing	ISD / Plng.	
11	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well-kept and in good and safe working order.	Cont.	ISD	
Public Safety				
12	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
Final Sign-Off				
13	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Final sign off	Plng.	

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*
Elaine Severino
Josh Safdie
Danielle Evans
Pooja Phaltankar

Attest, by the case City Planner: _____

Alexander C. Mello

Copies of this decision are filed in the Somerville City Clerk's office.
Copies of all plans referred to in this decision and a detailed record of the
SPGA proceedings are filed in the Somerville Planning Dept.

CLERK'S CERTIFICATE

Any appeal of this decision must be filed within twenty days after the date this notice is filed in the Office of the City Clerk, and must be filed in accordance with M.G.L. c. 40A, sec. 17 and SZO sec. 3.2.10.

In accordance with M.G.L. c. 40 A, sec. 11, no variance shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

Also in accordance with M.G.L. c. 40 A, sec. 11, a special permit shall not take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services shall be required in order to proceed with any project favorably decided upon by this decision, and upon request, the Applicant shall present evidence to the Building Official that this decision is properly recorded.

This is a true and correct copy of the decision filed on _____ in the Office of the City Clerk, and twenty days have elapsed, and

FOR VARIANCE(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ any appeals that were filed have been finally dismissed or denied.

FOR SPECIAL PERMIT(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ there has been an appeal filed.

Signed _____ City Clerk Date _____

